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14 IN THE UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA

16
17 UNITED STATES OF AMERICA, Plaintiff,
18 v.
19 JERRY CISNEROS, Defendant.

20 CASE NO. 1:22-cr-00329-ADA-BAM
21 STIPULATION REGARDING EXCLUDABLE
22 TIME PERIODS UNDER SPEEDY TRIAL ACT;
23 ORDER
24 DATE: January 24, 2024
25 TIME: 1:00 p.m.
26 COURT: Hon. Barbara A. McAuliffe

27
28 **STIPULATION**

29 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
30 through defendant's counsel of record, hereby stipulate as follows:

31 1. By previous order, this matter was set for status conference on January 24, 2024.
32 2. By this stipulation, defendant now moves to continue the status conference until April 24,
33 2024, and to exclude time between January 24, 2024, and April 24, 2024, under 18 U.S.C.

34 § 3161(h)(7)(A), B(iv).

35 3. The parties agree and stipulate, and request that the Court find the following:

36 a) The government has represented that the discovery associated with this case
37 includes investigative reports, several cell phone extractions, photographs, and other evidence.
38 All of this discovery has been either produced directly to counsel and/or made available for
39 inspection and copying.

b) Counsel for defendant desires additional time to meet with his client, conduct independent investigation, review the discovery, and consider a potential pretrial resolution of the case. The government has recently made an offer in the case, and the defendant needs time to review that offer and meet with his attorney.

c) Counsel for defendant believes that failure to grant the above-requested continuance would deny him/her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d) The government does not object to the continuance.

e) An ends-of-justice delay is particularly apt in this case because although the defendant is detained pending trial, he is also currently serving a state prison sentence.

f) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of January 24, 2024 to April 24, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

1 Dated: January 18, 2024

PHILLIP A. TALBERT
United States Attorney

5 Dated: January 18, 2024

6 /s/ JUSTIN J. GILIO
7 JUSTIN J. GILIO
8 Assistant United States Attorney

14 IT IS SO ORDERED.

15 Dated: January 19, 2024

16 /s/ Barbara A. McAuliffe

17 UNITED STATES MAGISTRATE JUDGE